

## REMARKS

The present communication is in response to the Office Communication dated November 22, 2004. That communication allowed applicant one month to respond. Filed concurrently herewith is a one-month extension of time so that the present response is due January 22, 2005 (a Saturday) such that the response is due January 24, 2005.

The Office Communication relates to the response to a restriction requirement dated July 27, 2004 to which the Applicant submitted a good faith response on September 13, 2004. This response was deemed not fully responsive since Applicant elected method claims 1-7 and also canceled claim 7 (a typographical error). Applicant also did not elect between the species of the method. The Examiner also objected to the response since a complete listing of the claims with the appropriate status identifiers was not provided.

Accordingly, Applicant again elects to prosecute method claims 1-7 as opposed to the apparatus claims 8-18. Claims 8-18 are shown as "canceled" on the accompanying claim listing.

As to the species restriction within elected claims 1-7, the Examiner's basis of such species is confusing. The original restriction of July 27, 2004 states:

"This application contains claims directed to the following patentably distinct species of the claimed invention: With respect to a possible election of a method: the method species of claims 1-5; and the method species of claims 5-6; ..."

It is simply not understood how claim 5 can be placed in both method species. Moreover, this restriction does not address method claim 7.

Applicant assumes that this apparent error in the restriction requirement is merely a typographical error by the Examiner. Since the Examiner appears to consider the distinct species of the apparatus to be hinged upon the use of the C-shaped washer

or the threaded retention element, Applicant has applied this criterion with respect to claims 1-7. Since claim 4 is directed to a retaining member (a C-shaped washer, for example and not limitation) received in a groove and since claim 5 is directed to a threaded retention, Applicant infers that the method species restriction was intended to be between claims 4 and 5. Accordingly, Applicant has elected to withdraw claim 5 and requests prosecution on generic claims 1-3, 6 and 7 and on method species claim 4. Claim 5 is shown as withdrawn on the claim listing subject to its being reinstated upon the allowance of a generic claim.

Applicant's counsel attempted to telephone the Examiner on January 24, 2005 to discuss the issue of the species restriction first noticed when he began preparing this response, but the Examiner was apparently unavailable. Therefore, if there are any further issues regarding the above-identified patent application, it is respectfully requested that the Examiner contact the undersigned attorney for the Applicant at the number listed below.

Respectfully submitted,

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### CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8

I hereby certify that the attached **RESPONSE TO OFFICE COMMUNICATION AND ELECTION WITHOUT TRAVERSE (8 pages)** is being deposited with the United States Postal service for delivery in an envelope addressed to Commissioner for Patents Mail Stop Non-Fee Amendment, P.O. Box 1450, Alexandria, VA 22313-1450 on this 24<sup>th</sup> day of January, 2005.

Marcie F. King  
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